

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR**

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.16146 of 2004

Between:

Ranga Rytu Seva Sangham

Regd.No. 3/1989, K.Yerrigudi Village,

Chakrayapeta Mandal,
Kadapa District,

rep. by its President Desai Mavi Reddy

S/o Rami Reddy,
aged about 43 years.

..... PETITIONER

AND

1 The State of A.P.

rep. by its Principal Secretary,

Irrigation Department,

Secretariat Buildings,

Hyderabad.

2 The Commissioner of Tenders,

B.R.K.R. Bhavan, Near Secretariat, Hyderabad.

3 The Chief Engineer, Medium Irrigation, Hyderabad.

4 The Superintendent of Engineer, I & CAD ,

Irrigation Circle, Kadapa,

Kadapa District.

5 The Executive Engineer,

Veligallu Project, Galiveedu Division,

Kadapa , Kadapa District.

6 S.E.W. Construction Ltd.,

6-3-871, Snehalatha,

Green Lands Road,

Begumpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus direct the 1st respondent to conduct an enquiry into the irregularities regarding calling for Tenders and process of finalization in Tender Notice No.02SE/2004-2005 dated 4-8-2004 on 'e' procurement plat-form in respect of construction of Spill Way of Veligallu Reservoir Project, Galiveedu Mandal, Kadapa District issued by the Respondent No.4

Counsel for the Petitioner :Mr. Y.S.SAI VARA PRASAD

Counsel for the Respondents : GP FOR IRRIGATION & COMM. AREA DEV.

The Court at the admission stage made the following :

ORDER: (Per Hon'ble the Chief Justice)

This petition is filed in public interest questioning the process of finalising the tender pursuant to the tender notice dated 04-08-2004 in respect of construction of Spillway of Veligallu Reservoir Project, Galiveedu Mandal, Kadapa district, issued by the fourth respondent. The highest tenderer is sixth respondent and tender is being

finalised by the official respondents in its favour. Petitioner has made an allegation that the entire tender process is influenced by politicians and for that, reference has been made to tender condition that estimated contract value is Rs.42,20,00,000/- with 12 months period for completion of project, which, according to the petitioner, may not be possible for the sixth respondent to complete and had the tender conditions been relaxed, more persons would have participated in order to compete in the tender process than the limited number. Petitioner has also made reference to certain news items as regards alleged connivance of politicians in finalisation of tender. On the grounds as such in the petition, hardly any public interest is involved. Petitioner in fact claims to be an Association for the benefit of ryots whose land is situate under the ayacut of Veligallu Reservoir Project, Kadapa district, and it will be in their interest also in case the project is completed in record time rather than getting delayed. Even as per the averments of the writ petition, petitioner states that had tender conditions been relaxed and more time allowed for completion of project, more persons could have come forward to submit their tenders. That cannot be a ground to enquire into the tender process in exercise of writ jurisdiction.

The writ petition is misconceived and it is accordingly dismissed.

DEVINDER GUPTA, C.J.

C.V.RAMULU, J

15-09-2004

bsc

To

1 Principal Secretary,

The State of A.P.

Irrigation Department,

Secretariat Buildings,

Hyderabad.

2 The Commissioner of Tenders,

B.R.K.R. Bhavan, Near Secretariat,

Hyderabad.

3 The Chief Engineer,

Medium Irrigation, Hyderabad.

4 The Superintendent of Engineer, I & CAD ,

Irrigation Circle, Kadapa,

Kadapa District.

5 The Executive Engineer,

Veligallu Project, Galiveedu Division,

Kadapa , Kadapa District.

6. 2 CCs to Govt. Pleader for Irrigation and Command Area

Development, High Court buildings, Hyderabad. (OUT)

7. 2 C.D. copies